



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

February 8, 1999

Joint Public Hearing [Tree Warden]: Request by Landwest, Inc., to remove five (5) trees in the right-of-way of Concord Street, a scenic road

Continued Public Hearing: Special Permits for Conservation Cluster and two Common Driveways to serve 13 lots for a parcel of land on Concord Street, Map 4, Parcel 20 (Buttrick Woods), Landwest, Inc., applicant

ANR Plan: Concord Road, Map 4 Parcel 20, Landwest, Inc., applicant

Discussion of strategy with regard to pending litigation and legal services (executive session)

Continued Public Hearing: Special Permit for Common Driveway to serve 5 lots at 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore Treibick, applicant

ANR Plan: 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore and Carol Beth Treibick, Deborah MacDonald, and Andrea and Ronald Schneebaum, applicants

Discussion with Carlisle Housing Authority of comprehensive permit process (Martin Galligan, Chair)

Discussion of proposed Open Space Neighborhood bylaw amendments

Chair Hengeveld called the meeting to order at 7:35 p.m. Members Epstein, Holzman, Reid and Tice were present. Abend and LaLiberte were not present this evening. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present.

Epstein made one correction to the minutes and Reid moved to approve the minutes of January 25, 1999 as amended. Tice seconded and the minutes were approved 5-0.

While the bills were circulated, Tice explained that he had met with FinCom. He felt that the Board's budget proposal was favorably received although the issue of raises for personnel would require further review by the Personnel Board and the Selectmen. Hengeveld agreed to represent the PB at the next Selectmen's meeting regarding personnel policies.

Joint Public Hearing [Tree Warden]: Request by Landwest, Inc., to remove five (5) trees in the right-of-way of Concord Street, a scenic road

Tree Warden Gary Davis joined the Board for this hearing. As an abutter to this property, Tice recused himself from participation. Applicants Bruce Wheeler and Brian Ahern were present with their engineer, Joe March of Stamski and McNary.

March showed the plan with five oak trees marked for removal. At the southern intersection of the common driveway with Concord Street three trees with diameters of 24", 20" and 6" are to be removed. At the northern intersection a triple 4" oak and a 14" oak are slated for removal. Brush will also be removed for 200' in both directions. March agreed to remove or grind all stumps. The existing stone wall along Concord Street will be removed at the driveway access points. March proposed to relocate these portions of the wall to highlight the driveway entrances.

Holzman asked who would maintain brush removal after initial development. Davis noted that DPW would remove brush along the road every two years whether or not this site was developed. Davis added that one of the marked trees is already hollow and would soon be lost anyway.

Epstein moved to allow the removal of five (5) trees plus approximately 100 ft. of stonewall within the right of way of Concord Street together with brush as shown on sheets 3 and 4 of the plan for Buttrick Woods in Carlisle, MA submitted by Stamski and McNary on 11/18/98 and revised 1/26/99. Reid seconded the motion and it was approved 4-0.

Continued Public Hearing: Special Permits for Conservation Cluster and two Common Driveways to serve 13 lots for a parcel of land on Concord Street, Map 4, Parcel 20 (Buttrick Woods), Landwest, Inc., applicant

Hengeveld explained that Board member Abend could not be present this evening. The applicant did not wish to pursue the special permit with only four members eligible to vote, therefore the public hearing was continued to February 22, 1999 at 7:45 p.m.

ANR Plan: Concord Road, Map 4 Parcel 20, Landwest, Inc., applicant

Abutters Betsy Constantine and Wendell Sykes were present.

Mansfield explained that this ANR removes Parcel X from the Buttrick Woods property in order to convey it to the abutters. He noted that the applicant has also submitted a demonstration plan, which shows that twelve (12) lots could still be created without parcel X. Reid moved to endorse the plan of land in Carlisle, MA for Landwest dated November 17, 1998 as an ANR. Epstein seconded the motion and it was approved 4-0.

Discussion of strategy with regard to pending litigation and legal services (executive session)

At 8:00 p.m. Reid moved to go into executive session to discuss pending litigation regarding Treibick and Valchuis and to discuss legal services. Epstein seconded the motion. The Board was individually polled and unanimously agreed to the motion. The Board returned to regular session at 8:38 p.m.

Continued Public Hearing: Special Permit for Common Driveway to serve 5 lots at 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore Treibick, applicant and ANR Plan: 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore and Carol Beth Treibick, Deborah MacDonald, and Andrea and Ronald Schneebaum, applicants

Theodore Treibick was present along with his attorney Jacob Diemert, and engineers Eric K. Durling of Wilson Assoc. and David Crossman of BTC Assoc. The following members of the public were also present: Eunice Knight of Bedford Road; Bill Cuccinello and Steve Hinton of East Street; Tricia Smith of Indian Hill Road; Jo Rita Jordan of Pheasant Hill Lane; Brigitte Senkler of Curve Street and John Bakewell of Rutland Street.

Diemert explained that, regarding the common driveway plan, the engineers had responded to items in the 1/20/99 letter from LandTech as well as the 2/2/99 memo from the Fire Chief. Diemert also noted that they were before ConsCom on 1/25/99 and based on discussions with that Board, the applicant felt that regrading the current driveway would not be necessary.

Durling addressed questions regarding drainage and grading noting that the wetland flood level has been recalculated and the road designed to be one (1) foot above that level. A fire cistern has also been added to the plan, but the Fire Chief has not reviewed it.

Reid asked how much wetland fill is required for the regrading of the driveway. Crossman stated that 400 sq. ft. of wetland fill would be required, but it could be replicated elsewhere. With individual driveways 58,000 sq. ft. of fill would be required.

Diemert maintained that the current plan proposes the best and safest access to the site.

Tricia Smith, a ConsCom member asked why the driveway is being built to subdivision standards. Hengeveld explained that only the entrance would be redesigned to provide a safe and level exit. Having used this driveway, Smith felt it was not a hazard, but Hengeveld explained that a 12% grade is not considered a safe standard.

ConsCom Chair, JoRita Jordan was concerned that the amount of fill required would make the driveway narrower with steep side slopes. She asked if this might not be just as dangerous as the existing condition.

The Board explained that it must consider many issues including safe access for emergency vehicles and possible school bus stops. Epstein noted that the PB is sensitive to ConsCom issues and has waived the side slope requirement to minimize wetland fill.

Regarding the ANR plan, Diemert spoke with the Board's new attorney, John Foscett, this afternoon to learn of the questionable access due to a guardrail. Diemert felt that this was not a valid hindrance to ANR approval. He argued that an ANR plan does not require "perfect" access, only possible access.

Epstein noted that Foscett cited two cases, Poulos v. Planning Board of Braintree and Corcoran v. Planning Board of Sudbury, which seem to indicate that the Board should not endorse the ANR. Foscett advised that the guardrail on East Street and the wetlands abutting the right-of-way on East Street render access to the lots illusory. Epstein said that the Board could not allow access via an alternate route if real access through the frontage does not exist.

Diemert reiterated his belief that these cases were not relevant to the current plan, and that a common driveway would provide the best access to this property.

Epstein requested that the wetlands be delineated in order to receive an opinion from Town Counsel as to whether or not access to the lots is illusory. Treibick argued that there are obviously wetlands there and he did not wish to spend money to have them delineated. He suggested that Town Assessors' maps be used. Reid noted that it would be important to determine if the wetlands actually abut the right-of-way or if they are interior wetlands. Crossman stated that the wetlands are basically at the toe of the slope along East Street.

Hengeveld noted that the Fire Chief must review the cistern plan before the common driveway can be approved. The Board then asked for an extension of ANR approval in order to consult with Town Counsel regarding the issue of access. Treibick agreed, but asked the Board not to bring up any new issues regarding the plan.

Mansfield agreed to forward a copy of the cistern plan to the Fire Chief.

The public hearing on the common driveway plan was continued to 2/22/99 at 8:30 p.m. Treibick granted an extension of time to endorse the ANR to Friday 2/26/99. Epstein agreed to speak with Town Counsel this week.

Discussion with Carlisle Housing Authority of comprehensive permit process (Martin Galligan, Chair)

The Planning Board asked Galligan to explain the criteria for and the process of obtaining a comprehensive permit. Galligan showed a flow chart and explained that the developer must first choose a subsidy program from the State such as HOP, LIP or MHFA or the New England Fund of the Federal Reserve Bank (N.E. Fund.) The State looks more favorably on the LIP program because it requires the developer and the Town to work together. The various programs have different steps, but Galligan felt that it was a rigorous process for the developer. The Board asked

how these programs are subsidized. Galligan thought that with the LIP and HOP programs, the waiving of local zoning laws are considered the subsidy. With MHFA and the N.E. Fund, the subsidy would be in the form of a low interest rate loan.

Galligan said that Carlisle is unique in its lack of such development. The Board discussed with Galligan the potential for comprehensive permits in Carlisle and possible options for the Town.

Galligan noted that the Housing Authority will propose an article at Town Meeting. The Planning Board offered its expertise and support to the Housing Authority.

Discussion of proposed Open Space Neighborhood bylaw amendments

Hengeveld reported that she and Epstein had attended a meeting of the Carlisle Conservation Foundation to discuss the proposed amendments. They had asked if the PB could have the developer donate land to the Town, which could be sold back to the developer. This money could then be used to purchase lots in another area of Town to be built as affordable housing. Reid felt that scattered affordable housing is better for several reasons including the avoidance of NIMBY. One CCF member suggested allowing the Open Space Neighborhood by right as opposed to making it a discretionary special permit. Another CCF member suggested that more research be conducted on the effectiveness of similar bylaws in neighboring communities. Epstein asked the PA to call area planning boards regarding this.

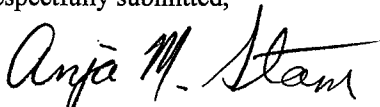
The Board then discussed its itinerary for attending upcoming meetings to present the proposed amendments to Town boards. Mansfield informed the Board that he had spoken with Joe March of Stamski and McNary. March suggested that the required 100-ft. wetland buffer be considered as part of the open space.

The PA was asked to research area communities that have private wells and sewers. Tice and Mansfield will also research the tax impact that such developments have had on area communities. Reid thought it would helpful to note how much money the Town currently spends on acquiring open space.

The PA noted that the warrant is due on March 1st. The Board decided to draft the warrant articles after 2/23/99 when all input from Town boards should have been received. A public hearing to discuss the proposed bylaw amendments will be held on Monday 3/8/99 at 7:15 p.m.

At 10:40 p.m. Tice **moved to adjourn**. Reid seconded and the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Recording Secretary